

**MINUTES OF
FAIRFAX COUNTY PLANNING COMMISSION
WEDNESDAY, MAY 14, 2014**

PRESENT: Frank A. de la Fe, Hunter Mill District
Earl L. Flanagan, Mount Vernon District
Janet R. Hall, Mason District
James R. Hart, Commissioner At-Large
Janyce N. Hedetniemi, Commissioner At-Large
Kenneth A. Lawrence, Providence District
John L. Litzenberger, Jr., Sully District
James T. Migliaccio, Lee District
Peter F. Murphy, Springfield District
Timothy J. Sargeant, Commissioner At-Large
John C. Ulfelder, Dranesville District

ABSENT: Ellen J. Hurley, Braddock District

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The meeting was called to order at 8:17 p.m., by Chairman Peter F. Murphy, in the Board Auditorium of the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, Virginia 22035.

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COMMISSION MATTERS

Commissioner Hart said that the second of three public outreach meetings had been held on Monday, May 12, 2014, to discuss the County Noise Ordinance and group assembly use in residential dwellings. He announced that the third public outreach meeting regarding these issues would be held on Monday, May 19, 2014, at 7:00 p.m. at Lemon Road Elementary School and invited the public to attend.

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Commissioner Lawrence announced that the Planning Commission's Tysons Corner Committee had met earlier in the evening to continue discussion of the Tysons Corner Comprehensive Plan Amendment. He said that the committee would meet again on Thursday, June 12, 2014, at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center and welcomed the public to attend.

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Commissioner de la Fe announced that the Planning Commission's Transportation Committee would meet on Wednesday, May 21, 2014, at 7:00 p.m. in the Board Conference Room of the Fairfax County Government Center.

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Commissioner Hart MOVED THAT THE PLANNING COMMISSION FURTHER DEFER THE DECISION ONLY FOR PA 2013-CW-3CP, A COMPREHENSIVE PLAN AMENDMENT REGARDING THE GREEN BUILDING POLICY PLAN AMENDMENT, TO A DATE CERTAIN OF JUNE 12, 2014, WITH THE RECORD REMAINING OPEN FOR WRITTEN AND ELECTRONIC COMMENTS.

Commissioner Lawrence seconded the motion which carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.

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ORDER OF THE AGENDA

Secretary Hall established the following order of the agenda:

1. SE 2013-HM-024 – UNIVERSITY OF NORTH AMERICA, INC.
2. SE 2013-PR-021 – TRUSTEES OF BRUEN CHAPEL UNITED METHODIST CHURCH AND MONTESSORI SCHOOL OF EDUCATION OF CEDAR LANE, INC.

This order was accepted without objection.

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SE 2013-HM-024 – UNIVERSITY OF NORTH AMERICA, INC.
– Appl. under Sect. 5-404 of the Zoning Ordinance to permit a university. Located at 8618 Westwood Center Dr., Vienna, 22182, on approx. 3.87 ac. of land zoned I-4. Tax Map 29-3 ((20)) 9A pt. HUNTER MILL DISTRICT. PUBLIC HEARING

William Baskin, Jr., Attorney/Agent, Baskin, Jackson & Duffett, PC, reaffirmed the affidavit dated February 27, 2014.

There were no disclosures by Commission members.

Commissioner de la Fe asked that Chairman Murphy ascertain whether there were any speakers for this application. There being none, he asked that presentations by staff and the applicant be waived, and the public hearing closed. No objections were expressed; therefore, Chairman Murphy closed the public hearing and recognized Commissioner de la Fe for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2013-HM-024, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MAY 14, 2014.

Commissioners Hall and Hedetniemi seconded the motion which carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE TRANSITIONAL SCREENING AND BARRIER REQUIREMENT ON THE NORTHERN AND WESTERN PROPERTY LINE, PURSUANT TO SECTION 13-505 OF THE ZONING ORDINANCE, IN FAVOR OF MAINTAINING THE EXISTING CONDITION.

Commissioner Hedetniemi seconded the motion which carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.

Commissioner de la Fe MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE INTERIOR AND PERIPHERAL PARKING LOT LANDSCAPING REQUIREMENTS, IN ACCORDANCE WITH SECTIONS 13-202 AND 13-203 OF THE ZONING ORDINANCE, IN FAVOR OF THE EXISTING CONDITIONS.

Commissioner Hedetniemi seconded the motion which carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.

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SE 2013-PR-021 – TRUSTEES OF BRUEN CHAPEL UNITED METHODIST CHURCH AND MONTESSORI SCHOOL OF EDUCATION OF CEDAR LANE, INC. – Appl. under Sect. 3-104 of the Zoning Ordinance to permit a church with child care center, nursery school and private school of general education with a total enrollment of 104 students. Located at 3035 Cedar Ln., Fairfax, 22031, on approx. 2.65 ac. of land zoned R-1. Tax Map 49-3 ((1)) 25A. PROVIDENCE DISTRICT. PUBLIC HEARING

Lynne Strobel, Attorney/Agent, Walsh, Colucci, Lubeley, Emrich & Walsh, PC, reaffirmed the affidavit dated April 24, 2014.

Commissioner Hart disclosed that his law firm, Hart & Horan, PC, had a case where attorneys from Ms. Strobel's firm were representing an adverse party, but noted that this matter and those parties were unrelated to this application and there was no business or financial relationship; therefore, it would not affect his ability to participate in this case.

Carmen Bishop, Zoning Evaluation Division, Department of Planning and Zoning, presented the staff report, a copy of which is in the date file. She noted that staff recommended approval of application SE 2013-PR-021.

Ms. Strobel described the history and use of the subject property, pointing out that a church had been operating on the site since 1857, which pre-dated the requirement to obtain a Special Permit (SP) or Special Exception. She said that a school had been operating on the property since 1971.

Ms. Strobel then explained that the applicant applied for, and were subsequently granted, SPs on multiple occasions, but indicated that the most recently-approved SP, S-186-78, was not approved because the applicant could not obtain a non-Residential Use Permit (RUP). However, she noted that the applicant was in compliance with the other provisions of this SP. She stated that this issue had been brought to the applicant's attention during an inspection by the Fire Marshal, but noted that there was not a Notice of Violation issued. Ms. Strobel said that the purpose of the application was to ensure that the applicant obtained the necessary approvals, including the necessary non-RUP. She indicated that the subject application did not include any significant changes to the existing structure on the site, but noted that the applicant would restripe and reorient the parking area on the site, remove some of the gravel, and provide additional landscaping. Ms. Strobel then submitted to the record several letters of support for the subject application that had been provided by the community. (Copies of the letters are in the date file.)

Chairman Murphy called the first listed speaker and recited the rules for public testimony.

Eric Soskin, 8623 Cherry Drive, Fairfax, said that his community was located adjacent to the subject property and indicated that he supported the proposal. However, he pointed out that the subject application did not require the applicant to complete a sidewalk connection located near the north exit of the parking lot on the site, which had been recommended by the Virginia Department of Transportation, but staff had determined that including this connection was not necessary. He described the current condition of the sidewalk, noting that it ended abruptly near the property. Mr. Soskin then explained that this sidewalk was necessary to facilitate pedestrian traffic in the event that the property to the south of the site redeveloped, adding that this property was currently for sale. He stated that while the sidewalk connection was not currently needed, he favored including it in the subject application in the form of a development condition that would require the applicant to complete the sidewalk connection in the event that the property to the south was redeveloped.

Answering questions from Commissioner Hall, Ms. Bishop explained that staff had concluded that requiring the applicant to complete the sidewalk connection mentioned by Mr. Soskin was not warranted because the proposal did not significantly modify the conditions of the site. However, she pointed out that the applicant had reserved a right-of-way for this connection. In addition, she indicated that staff supported completing the sidewalk connection in the event that the property to the south was redeveloped, but reiterated that the scope of the application did not warrant requiring this connection. Ms. Bishop also confirmed that the applicant had been asked about their willingness to address this issue.

There being no more speakers, Chairman Murphy called for a rebuttal statement from Ms. Strobel who indicated that the applicant had been approached with a request to complete the sidewalk connection near the north exit, but pointed out that the intent of the subject application was to obtain the necessary permits for operating a school on the site. She added that the proposal would not increase the intensity at the site and due to this limited scope, completing the sidewalk connection was not warranted. Ms. Strobel echoed remarks from Ms. Bishop, saying

that the applicant had provided the necessary right-of-way to accommodate the future widening of Cedar Lane, adding that there was no trail on the southern portion of the site.

When Commissioner Hall asked about the status of the right-of-way dedication, Ms. Strobel reiterated that the applicant would reserve the necessary right-of-way for the sidewalk connection.

A discussion ensued between Commissioner de la Fe and Ms. Strobel regarding the appropriate means of requiring the completion of the sidewalk connection near the site wherein Ms. Strobel pointed out that by providing the right-of-way, the applicant would facilitate the installation of this connection for any future applicant seeking to redevelop the property to the south.

Referring to the aerial view of the site depicted on page 2 of the staff report, Commissioner Lawrence identified the sidewalk connection. He then described the process of redeveloping the site located south of the subject property and Ms. Bishop confirmed that an applicant seeking such a redevelopment could be persuaded to include this sidewalk connection as a proffer. Commissioner Lawrence stated that this process was sufficient to address Mr. Soskin's concern about the sidewalk connection, pointing out that the right-of-way provided by the applicant would facilitate this connection.

Commissioner Lawrence indicated that the sight distance for vehicles entering the site by making left turns from Cedar Lane was limited due to the presence of trees and brush growth. However, he noted that there was greater sight distance for vehicles exiting the site. He then described the peak-hour traffic along Cedar Lane, saying that the frequent congestion on this road created safety concerns for vehicles accessing the site. Commissioner Lawrence said that this concern had been addressed by Development Condition Number 17 in the revised set, which provided a written notice twice a year to visitors advising that they exercise caution when accessing the site, but expressed concern that this provision would not be sufficient to alleviate this issue. (A copy of the revised development conditions dated May 7, 2014, is in the date file.)

There were no further comments or questions from the Commission and staff had no closing remarks; therefore, Chairman Murphy closed the public hearing and recognized Commissioner Lawrence for action on this case. (A verbatim excerpt is in the date file.)

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Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE SE 2013-PR-021, SUBJECT TO THE DEVELOPMENT CONDITIONS DATED MAY 13, 2014.

Commissioner Flanagan seconded the motion which carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS APPROVE A MODIFICATION OF THE

TRANSITIONAL SCREENING REQUIREMENT AND A WAIVER OF THE BARRIER AND
INTERIOR PARKING LOT LANDSCAPING REQUIREMENTS.

Commissioner Flanagan seconded the motion which carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.

Commissioner Lawrence MOVED THAT THE PLANNING COMMISSION RECOMMEND THAT THE BOARD OF SUPERVISORS DIRECT THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND ENVIRONMENTAL SERVICES TO WAIVE THE DUSTLESS SURFACE REQUIREMENT FOR THE PORTION OF THE REAR PARKING LOT DEPICTED AS GRAVEL ON THE SPECIAL EXCEPTION PLAT AND WAIVE THE CONSTRUCTION OF A TRAIL ALONG CEDAR LANE.

Commissioner Flanagan seconded the motion which carried by a vote of 11-0. Commissioner Hurley was absent from the meeting.

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The meeting was adjourned at 8:42 p.m.
Peter F. Murphy, Chairman
Janet R. Hall, Secretary

Audio and video recordings of this meeting are available at the Planning Commission Office, 12000 Government Center Parkway, Suite 330, Fairfax, Virginia 22035.

Minutes by: Jacob Caporaletti

Approved on: November 20, 2014


John W. Cooper, Clerk to the
Fairfax County Planning Commission